

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claim 18 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-18 are now pending in this application.

### Interview Summary

Applicants' representative wishes to thank the Examiner for conducting the interview of March 17, 2009. In accordance with the request in the Interview Summary that the Applicants file a statement of substance of the interview, please be advised that the Interview Summary accurately summarizes the interview, except that U.S. Patent No. 5,215,044 to Banzhaf *et al.* was also discussed.

### Rejections under 35 U.S.C. § 102

#### U.S. Patent No. 4,176,630

Claims 1, 3, 11, 12, and 15-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,176,630 to Elmer (hereafter "Elmer"). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Col. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Elmer discloses a system that includes a radiator 17 for cooling the coolant of an engine 10 and an air cooler 13 for cooling compressed air supplied to the engine 10. See Elmer at col. 2, lines 24-44. Elmer discloses that a cooling fan 15 is arranged to supply cooling air to the radiator 17 and the cooler 13. See Elmer at col. 2, lines 41-44.

However, Elmer does not disclose that the system includes a coolant passage configured to cool the radiator 17 with coolant flowing through the passage, as recited in claims 1 and 10. Claims 3 and 12 depend from claim 1 and claims 11 and 15-17 depend from claim 10.

Instead, Elmer discloses that the radiator 17 and cooler 13 are cooled by air provided by the cooling fan 15. Nor does Elmer disclose that the radiator 17 and cooler 13 are joined by a coolant passage that cools one of the radiator 17 or the cooler 13 with coolant provided by the other of the radiator 17 or the cooler 13.

Elmer also discloses that the system includes a sensor 29 located in a return flow passage 19 for the engine coolant. See col. 2, lines 45-62, of Elmer. The Office identifies the sensor 29 as a temperature sensor provided at the coolant outlet of a coolant radiator on page 2 of the Office Action.

However, the sensor 29 is not a temperature sensor located at a coolant outlet of a radiator, wherein the temperature sensor is located at the coolant outlet prior to any branches in a coolant passage extending from the coolant outlet, as recited in claim 1, because the sensor 29 is provided in a flow passage 19 returning from the radiator 17 for engine coolant. Claim 10 includes similar language.

For at least the reasons discussed above, Elmer does not anticipate claims 1, 3, 11, 12, and 15-17 because Elmer does not disclose all of the features of claims 1 and 10. Reconsideration and withdrawal of this rejection is respectfully requested.

U.S. Patent No. 5,215,044

Claims 1, 2, 6, 7-10, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,215,044 to Banzhaf *et al.* (hereafter “Banzhaf”). This rejection is respectfully traversed.

Banzhaf discloses a cooling system for a vehicle that includes a turbocharger 9 that conveys air to a heat exchanger 45 that is also provided with coolant via line system 41. See col. 7, lines 18-30, and Figure 6 of Banzhaf.

On page 4 of the Office Action the Office identifies the temperature sensor 97 of Banzhaf as a temperature sensor 97 provided a short distance downstream of the heat exchanger 45. However, the temperature sensor 97 is not provided at a coolant outlet of a

radiator, wherein the temperature sensor is located at the coolant outlet prior to any branches in a coolant passage extending from the coolant outlet, as recited in claim 1. Claim 10 includes similar language. Claims 2, 6, 7-9, 13, and 14 depend from claim 1. Figure 6 of Banzhaf shows that the sensor 97 is located after branches in the passage leading from the heat exchanger 45.

For at least the reasons discussed above, Banzhaf does not anticipate claims 1, 2, 6, 7-10, 13, and 14 because Banzhaf does not disclose all of the features of claims 1 and 10.

Reconsideration and withdrawal of this rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elmer in view of U.S. Patent No. 6,679,431 to Mathew *et al.* (hereafter "Mathew"). This rejection is respectfully traversed. Mathew fails to remedy the deficiencies of Elmer discussed above in regard to independent claim 1, from which claims 4 and 5 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

### **New Claim**

New claim 18 has been added. Claim 18 depends from claim 10 and is allowable over the prior art for at least the reasons discussed above.

### **CONCLUSION**

Applicants submit that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,  
Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment  
of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 6/17/09

By P.D.S.

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